

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MITCHELL NELSON,
Plaintiff,
v.
BOEING INC., *et al.*
Defendant

Case No. C18-251RSM

MINUTE ORDER STRIKING
PLAINTIFF'S FIRST AMENDED
COMPLAINT

BOEING INC., *et al.*

Defendants.

The following MINUTE ORDER is made by direction of the Court, the Honorable
Ricardo S. Martinez, Chief United States District Judge:

Plaintiff initiated this action on February 16, 2018. Dkt. #1. Defendants answered Plaintiff's Complaint on May 23, 2018. Dkt. #6. On July 25, 2018, Plaintiff filed an amended complaint. Dkt. #16.

Amendment of pleadings is governed by Federal Rule of Civil Procedure 15. In the context of this case, Rule 15 provides that Plaintiff could amend his complaint as a matter of course within: “(A) 21 days after serving it, or (B) . . . 21 days after service of” Defendants’ answer. Fed. R. Civ. Pro. 15(a)(1). “In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. Pro. 15(a)(2).

Plaintiff has not sought the Court's leave to file an amended complaint, there is no indication that Defendants' consent to the filing of Plaintiff's amended complaint, and Plaintiff's amended complaint is otherwise untimely. The Court understands that Plaintiff, proceeding *pro*

se, may have been confused because the Court’s scheduling order provided that the deadline for amending pleadings is August 10, 2018. But this is the date by which Plaintiff must file an amended complaint with Defendants’ consent or seek leave from the Court to file an amended complaint. Plaintiff still must comply with the applicable procedural rules and Plaintiff’s attention is also brought to Local Rule 15, which provides:

A party who moves for leave to amend a pleading, or who seeks to amend a pleading by stipulation and order, must attach a copy of the proposed amended pleading as an exhibit to the motion or stipulation. The party must indicate on the proposed amended pleading how it differs from the pleading that it amends by bracketing or striking through the text to be deleted and underlining or highlighting the text to be added. The proposed amended pleading must not incorporate by reference any part of the preceding pleading, including exhibits. If a motion or stipulation for leave to amend is granted, the party whose pleading was amended must file and serve the amended pleading on all parties within fourteen (14) days of the filing of the order granting leave to amend, unless the court orders otherwise.

Local Rule W.D, Wash. LCR 15.

Nothing in this Minute Order prevents Plaintiff from seeking to file an amended complaint in conformance with the Federal Rules of Civil Procedure and this Court's Local Rules (available at: <http://www.wawd.uscourts.gov/local-rules-and-orders>). Plaintiff is reminded of the Court's August 10, 2018 deadline for joining additional parties or amending the pleadings.

Accordingly, the Court STRIKES Plaintiff's First Amended Complaint – Sexual Assault, Sex Discrimination, Boeing Management's Conspiracy against Mr. Nelson. & Jury Demand (Dkt. #16).

Dated this 26th day of July 2018.

WILLIAM McCOOL, Clerk

By: /s/ Paula McNabb
Deputy Clerk